

This form should be used to comply with permit application requirements under 326 IAC 10-4-7 for NOx budget units and the permit application requirements of 326 IAC 10-4-13 for NOx budget opt-in sources with one or more NOx budget opt-in units.

Source Information			
Plant name:			
Mailing address:			
Street address (if different):			
Authorized account representative:			
Telephone number:			
Fax number:			
Alternate authorized account representative:			
Telephone number:			
Fax number:			
Plant ID:		ORIS / EIA facility code (if known):	

[illegible]

(a) Permit Requirements

The owners, operators, and NOx authorized account representative of each NOx budget source shall comply with the following permit requirements:

- (1) The NOx authorized account representative of each NOx budget source required to have a federally enforceable permit and each NOx budget unit required to have a federally enforceable permit at the source shall submit the following:
 - (A) A complete NOx budget permit application under 326 IAC 10-4-7(c) to the department in accordance with the deadlines specified in 326 IAC 10-4-7(b).
 - (B) Any supplemental information that the department determines is necessary in order to review a NOx budget permit application in a timely manner and issue or deny a NOx budget permit.
- (2) The owners and operators of each NOx budget source required to have a federally enforceable permit and each NOx budget unit required to have a federally enforceable permit at the source shall have a NOx budget permit and operate the unit in compliance with the NOx budget permit.
- (3) The owners and operators of a NOx budget source that is not otherwise required to have a federally enforceable permit are not required to submit a NOx budget permit application, nor to have a NOx budget permit, under 326 IAC 10-4-7 for the NOx budget source.

(b) Monitoring Requirements

The owners and operators and, to the extent applicable, the NOx authorized account representative of each NOx budget source and each NOx budget unit at the source shall comply with the following monitoring requirements:

- (1) The monitoring requirements of 40 CFR 75 and 326 IAC 10-4-12.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR 75 and 326 IAC 10-4-12 shall be used to determine compliance by the unit with the NOx budget emissions limitation under (c).

(c) NOx Requirements

The owners and operators of each NOx budget source shall comply with the following NOx requirements:

- (1) The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under 326 IAC 10-4-10(j), as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount:
 - (A) not less than the total NOx emissions for the ozone control period from the unit, as determined in accordance with 40 CFR 75 and 326 IAC 10-4-12;
 - (B) to account for excess emissions for a prior ozone control period under 326 IAC 10-4-10(k)(5); or
 - (C) to account for withdrawal from the NOx Budget Trading Program, or a change in regulatory status of a NOx Budget opt-in unit.
- (2) Each ton of NOx emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of the Clean Air Act (CAA) and this rule.
- (3) A NOx budget unit shall be subject to the requirements under (c)(1) starting on the later of:
 - (A) May 31, 2004; or
 - (B) the date on which the unit commences operation.
- (4) NOx allowances shall be held in, deducted from, or transferred among NOx allowance tracking system accounts in accordance with 326 IAC 10-4-9 through 11, 13, and 14.
- (5) A NOx allowance shall not be deducted, in order to comply with the requirements under (c)(1), for an ozone control period in a year prior to the year for which the NOx allowance was allocated.
- (6) A NOx allowance allocated under the NOx budget trading program is a limited authorization to emit one (1) ton of NOx in accordance with the NOx budget trading program. No provision of the NOx budget trading program, the NOx budget permit application, the NOx budget permit, or an exemption under 326 IAC 10-4-3 and no provision of law shall be construed to limit the authority of the U.S. EPA or the department to terminate or limit the authorization.
- (7) A NOx allowance allocated under the NOx budget trading program does not constitute a property right.
- (8) Upon recordation by the U.S. EPA under 326 IAC 10-4-10, 11, or 13, every allocation, transfer, or deduction of a NOx allowance to or from a NOx budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NOx budget permit of the NOx budget unit by operation of law without any further review.

(d) Excess Emissions

The owners and operators of a NOx budget unit that has excess emissions in any ozone control period shall do the following:

- (1) Surrender the NOx allowances required for deduction under 326 IAC 10-4-10(k)(5).
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 326 IAC 10-4-10(k)(7).

(e) Record keeping and Reporting Requirements

The owners and operators of each NOx budget source shall comply with the following record keeping and reporting requirements:

- (1) Unless otherwise provided, the owners and operators of the NOx budget source and each NOx budget unit at the source shall keep either on site at the source or at a central location within Indiana for those owners or operators with unattended sources, each of the following documents for a period of five (5) years. This period may be extended for cause, at any time prior to the end of five (5) years, in writing by the department or the U.S. EPA:

(A) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 326 IAC 10-4-6(h). The certificate and documents shall be retained either on site at the source or at a central location within Indiana for those owners or operators with unattended sources beyond the five (5) year period until the documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.

(B) All emissions monitoring information, in accordance with 40 CFR 75 and 326 IAC 10-4-12, provided that to the extent that 40 CFR 75 and 326 IAC 10-4-12 provides for a three (3) year period for record keeping, the three (3) year period shall apply.

(C) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx budget trading program.

(D) Copies of all documents used to complete a NOx budget permit application and any other submission under the NOx budget trading program or to demonstrate compliance with the requirements of the NOx budget trading program.

Records retained at a central location within Indiana shall be available immediately at the location and submitted to the department or U.S. EPA within three (3) business days following receipt of a written request. Nothing in this subdivision shall alter the record retention requirements for a source under 40 CFR 75.

(2) The NOx authorized account representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the NOx budget trading program, including those under 326 IAC 10-4-8, 12, or 13.

(f) Liability

The owners and operators of each NOx budget source shall be liable as follows:

(1) Any person who knowingly violates any requirement or prohibition of the NOx budget trading program, a NOx budget permit, or an exemption under 326 IAC 10-4-3 of this rule shall be subject to enforcement pursuant to applicable state or federal law.

(2) Any person who knowingly makes a false material statement in any record, submission, or report under the NOx budget trading program shall be subject to criminal enforcement pursuant to the applicable state or federal law.

(3) No permit revision shall excuse any violation of the requirements of the NOx budget trading program that occurs prior to the date that the revision takes effect.

(4) Each NOx budget source and each NOx budget unit shall meet the requirements of the NOx budget trading program.

(5) Any provision of the NOx budget trading program that applies to a NOx budget source, including a provision applicable to the NOx authorized account representative of a NOx budget source, shall also apply to the owners and operators of the source and of the NOx budget units at the source.

(6) Any provision of the NOx budget trading program that applies to a NOx budget unit, including a provision applicable to the NOx authorized account representative of a NOx budget unit, shall also apply to the owners and operators of the unit. Except with regard to the requirements applicable to units with a common stack under 40 CFR 75 and 326 IAC 10-4-12, the owners and operators and the NOx authorized account representative of one (1) NOx budget unit shall not be liable for any violation by any other NOx budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

(g) Other Authorities

No provision of the NOx budget trading program, a NOx budget permit application, a NOx budget permit, or an exemption under 326 IAC 10-4-3 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx budget source or NOx budget unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

Certifications	
Authorized account representative	
<p>"I am authorized to make this submission on behalf of the owners and operators of the NO_x budget sources or NO_x budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."</p>	
Signature:	
Date:	
Responsible official / Authorized individual	
<p>"I certify under penalty of law that, based on information and belief formed after reasonable inquiry, the statements and information contained in this application are true, accurate and complete."</p>	
Signature:	
Title:	
Date:	

Additional Authorized Account Representative Certification for Opt-in Units	
<p>"I certify that each unit for which this permit application is submitted under 326 IAC 10-4-13 is not a NO_x budget unit under 326 IAC 10-4-1(a) and is not covered by a retired unit exemption under 326 IAC 10-4-3 that is in effect."</p>	
Signature:	
Date:	

The following certification must be completed for an initial NOx budget opt-in permit application	
<p>"I certify that each unit for which this permit application is submitted under 326 IAC 10-4-13 is currently operating, as that term is defined under 326 IAC 10-4-2(51)."</p>	
Signature:	
Date:	

An application for a NOx budget opt-in unit must also include a monitoring plan required under 326 IAC 10-4-12 and a copy of the Certificate of Representation submitted to U.S. EPA under 326 IAC 10-4-6(h).